

EXHIBIT B

James Mitchell

From: TLT CRD <TLTCRD@cand.uscourts.gov>
Sent: Wednesday, April 17, 2024 11:12 AM
To: James Mitchell
Cc: Christopher Lee; David Sheikh; Brian Haan; Ashley LaValley; Dan Gjorgiev; Peden, Patricia L.; brahebi_mofo.com; Hung, Richard S. J.; Malloy, Ryan J.; Lee, Rose S.; Kiaei, Nima I.; Park, Soo J.; Specht, Silvia T.
Subject: RE: MPH Technologies Oy v. Apple Inc.; Case No. 3:18-cv-05935-TLT - Scheduling Inquiry

Thank you, all.

I've brought it to chambers' attention and am awaiting a response/directive as how to proceed.

Thank you,



Robert McNamee
Courtroom Deputy to the Honorable Trina Thompson
United States District Court
Northern District of California
<https://cand.uscourts.gov>
Office: (415) 522-2039

From: James Mitchell <jmitchell@leesheikh.com>
Sent: Tuesday, April 16, 2024 2:30 PM
To: TLT CRD <TLTCRD@cand.uscourts.gov>
Cc: Christopher Lee <clee@leesheikh.com>; David Sheikh <dsheikh@leesheikh.com>; Brian Haan <bhaan@leesheikh.com>; Ashley LaValley <alavalley@leesheikh.com>; Dan Gjorgiev <dgjorgiev@leesheikh.com>; Peden, Patricia L. <ppeden@bwsllaw.com>; brahebi_mofo.com <BRahebi@mofo.com>; Hung, Richard S. J. <RHung@mofo.com>; Malloy, Ryan J. <RMalloy@mofo.com>; Lee, Rose S. <RoseLee@mofo.com>; Kiaei, Nima I. <NKiaei@mofo.com>; Park, Soo J. <SPark@mofo.com>; Specht, Silvia T. <SSpecht@mofo.com>
Subject: RE: MPH Technologies Oy v. Apple Inc.; Case No. 3:18-cv-05935-TLT - Scheduling Inquiry

CAUTION - EXTERNAL:

Dear Mr. McNamee:

As noted in my email from yesterday (April 15, 2024) to you, I am counsel for Plaintiff MPH Technologies in MPH Technologies Oy v. Apple Inc., Case No. 3:18-cv-05935-TLT, pending before Judge Thompson. Counsel for Defendant Apple is copied on this email.

The below email from Apple's counsel from earlier today contained a typographical error. The case management order that currently governs the schedule in this case is ECF No. 83, not No. 183 as Apple's email indicates. That case management order was entered more than a year ago and before the January 3, 2024 claim construction order (ECF No. 109).

Given Apple's stated willingness to participate in a further CMC hearing, MPH respectfully seeks an Order, pursuant to Judge Thompson's Patent Standing Order ¶ 13, "set[ting] a date for the filing of a further joint case management status report."

Thank you.

Best regards,

James D. Mitchell

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From: Rahebi, Bitra <BRahebi@mofo.com>

Sent: Tuesday, April 16, 2024 11:21 AM

To: James Mitchell <jmitchell@leesheikh.com>; TLT CRD <tltrcd@cand.uscourts.gov>

Cc: Christopher Lee <clee@leesheikh.com>; David Sheikh <dsheikh@leesheikh.com>; Brian Haan <bhaan@leesheikh.com>; Ashley LaValley <alavalley@leesheikh.com>; Dan Gjorgiev <dgjorgiev@leesheikh.com>; Peden, Patricia L. <ppeden@bwsllaw.com>; Hung, Richard S. J. <RHung@mofo.com>; Malloy, Ryan J. <RMalloy@mofo.com>; Lee, Rose S. <RoseLee@mofo.com>; Kiaei, Nima I. <NKiaei@mofo.com>; Park, Soo J. <SPark@mofo.com>; Specht, Silvia T. <SSpecht@mofo.com>

Subject: RE: MPH Technologies Oy v. Apple Inc.; Case No. 3:18-cv-05935-TLT - Scheduling Inquiry

Dear Mr. McNamee:

On behalf of Apple Inc., we write in response to MPH's e-mail below in MPH Technologies Oy v. Apple Inc., No. 3:18-cv-05935-TLT.

Apple notes that MPH unilaterally sent its scheduling inquiry email to the Court yesterday morning. While Apple understands that the Court has already set a further schedule for the case (ECF No. 183), it is happy to attend a CMC if the Court wishes to set one.

Regards,
Bitra Rahebi

Bitra Rahebi

Partner | Co-Chair, Global Intellectual Property Litigation Practice

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Intellectual Property Firm of the Year

From: James Mitchell <jmitchell@leesheikh.com>
Sent: Monday, April 15, 2024 8:05 AM
To: TLT CRD <tltrcd@cand.uscourts.gov>
Cc: Christopher Lee <clee@leesheikh.com>; David Sheikh <dsheikh@leesheikh.com>; Brian Haan <bhaan@leesheikh.com>; Ashley LaValley <alavalley@leesheikh.com>; Dan Gjorgiev <dgjorgiev@leesheikh.com>; Peden, Patricia L. <ppeden@bwsllaw.com>; Rahebi, Bitia <BRahebi@mofo.com>; Hung, Richard S. J. <RHung@mofo.com>; Malloy, Ryan J. <RMalloy@mofo.com>; Lee, Rose S. <RoseLee@mofo.com>; Kiaei, Nima I. <NKiaei@mofo.com>; Park, Soo J. <SPark@mofo.com>; Specht, Silvia T. <SSpecht@mofo.com>
Subject: MPH Technologies Oy v. Apple Inc.; Case No. 3:18-cv-05935-TLT - Scheduling Inquiry

External Email

Dear Mr. McNamee:

My name is James Mitchell, and I am counsel for Plaintiff MPH Technologies in MPH Technologies Oy v. Apple Inc., Case No. 3:18-cv-05935-TLT, pending before Judge Thompson. Counsel for Defendant Apple is copied on this email.

The Court issued a Case Management and Scheduling Order on April 14, 2023. (ECF No. 83). That order sets, among other deadlines, a deadline of October 7, 2024 for the parties to complete fact discovery. I am writing to you to request clarification about the timing for filing the further joint case management status report as set forth in the Court's Standing Order for Patent Cases.

The standing order states that (a) "[u]pon issuance of the claim construction ruling, the Court will also set a date for the filing of a further joint case management status report" and (b) the parties must address certain topics in that status report.

The Court issued its Order Construing Claims on January 3, 2024. (ECF No. 109). To date, the Court has not set a date for the parties to submit a further joint case management status report.

Currently pending before the Court are (a) MPH's Partially Agreed Motion to Amend Infringement Contentions (ECF No. 103), and (b) MPH's Motion for Reconsideration of the Court's Finding That the '581 Patent Claims are Indefinite. (ECF No. 118). A hearing on these motions was held on March 19, 2024. (ECF No. 124). MPH believes that the timing and outcomes of the Court's rulings on the motion for leave and the motion for reconsideration will have a substantial impact on the scope and content of post-claim construction fact and expert discovery, the nature of dispositive motions, the progress of settlement discussions, and other pretrial matters. MPH intends to discuss these issues with Apple and prepare the joint case management status report when directed by the Court.

Accordingly, MPH believes that the parties would benefit from, and requests, guidance from the Court about when the Court will issue an order directing the parties to submit the further joint case management status report identified in the Court's Standing Order.

Best regards,

James D. Mitchell

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